

REMARKS

I. Status of the Claims

Claims 1-15 were currently pending in the application prior to this amendment.

Claims 1-15 have been rejected.

By this Amendment, claims 1-15 have been amended and NEW claims 16-19 are now presented for consideration by the Examiner. No new matter has been introduced in this Amendment. Support for these amendments may be found on at least page 5, lines 1-12 and page 6, line 25-page 8, line 22 of the specification.

II. Rejections Under 35 U.S.C. §112, Second Paragraph:

Claims 5-8 and 13 are rejected under 35 U.S.C. §112, second paragraph, as being invalid multiple dependent claims because they depend on other multiple dependent claims.

It appears that the Examiner did not consider, or possibly was unaware of, the preliminary amendment filed concurrently with this application on December 20, 2001. This preliminary amendment converted the multiple dependant claims to standard dependant claims. Regardless, claims 1-15, as currently amended, do not include any multiple dependencies.

In view of the above, Applicants believe that the aforementioned 35 U.S.C. §112 rejections should be withdrawn.

III. Rejections Under 35 U.S.C. §103(a):

Claims 1 and 9-13 are rejected under 35 U.S.C. §103(a) as unpatentable over US 5,657,450 to Rao et al. (hereafter, "Rao").

Claims 2-8 and 14-15 are rejected under 35 U.S.C. §103(a) as unpatentable over Rao in view of US 6,377,978 to Nguyen (hereafter, "Nguyen").

The present invention is directed to a method and system for communicating download status information to wireless clients connected to a communication source. In at least one embodiment of the invention, a wireless network may be established including a source and a plurality of wireless clients, wherein the source may predict an estimated download time based on variables such as the number of clients in the network, the amount of information to be downloaded to each client, etc. This information may be transmitted as part of a transmitted packet header to each of the plurality of wireless clients, where it may be viewed graphically.

In contrast to the invention as described above, Rao is a system for expressing download time from an intermediate server to a networked client computer. Nguyen is a system for downloading mail messages, wherein the email header may include characteristic data, such as the total size of the email. The Examiner has disclosed in the previous office action that neither reference discusses wireless communication, but has made the statement that the wireless requirements of the present invention would have been obvious to one of ordinary skill in the art at the time the invention was made.

Initially, the Examiner has presented an obviousness argument in view of Rao without a secondary reference supporting the obviousness of the missing limitations. The Examiner further states that it is taken that Rao's teachings encompass any conventional networks including wireless networks. Applicant's respectfully disagree with these arguments. Rao does not state or infer that it applies to any conventional network. Rao instead discloses a single client computer requesting information from multiple distal sources, wherein the background of the invention, disclosure and examples tend to indicate that the requesting occurs over a wired network from a single fixed terminal. In contrast, at least one claimed embodiment of the present invention is directed to a wireless network established ad-hoc, wherein an information source serves multiple wireless clients, for example, in a kiosk format serving multiple encountered wireless devices. Applicants believe the present invention to be distinct from Rao, and therefore, nonobvious. In addition, the Examiner's motivation for obviousness (e.g., because it would have enabled implementing Rao's invention) is deemed impermissible hindsight because the motivation is derived solely from the teaching of the present invention.

Further, pending claims 1-15 have been amended to reflect that the wireless transaction includes a sensing aspect, wherein a source of information may sense clients within effective communication range, and may in turn form a network including these clients. Further, based on these networked clients and the amount of data to download, the source device may provide a predicted download time to the clients, which may be viewed pictorially on each client. Applicants believe both that these aspects are not explicitly read or implied in the cited prior art, and would not have been obvious to one of ordinary skill in the art at the time the invention was made in view of Rao and Nguyen, taken alone or in combination.

In view of the above, Applicants believe that the aforementioned 35 U.S.C. §103 rejections should be withdrawn:

IV. New Claims:

NEW claims 16-19 are now presented for consideration by the Examiner. No new matter has been introduced in this Amendment. Support for these amendments may be found on at least page 5, lines 1-12 and page 6, line 25-page 8, line 22 of the specification. Applicants believe these claims to be distinct from the cited references for at least the reasons indicated above with respect to the 35 U.S.C. §103 rejections.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of the application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 4208-4067. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 4208-4067. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: December 7, 2005

By:



Elliot L. Frank
Registration No. 56,641
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101